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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,022	10/10/2001	Steven P. Bibeault	17549-105	7517

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EXAMINER

SNIDER, THERESA T

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,022

Applicant(s)

BIBEAULT ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

-- Th MAILING DATE of this communication app ars on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.7.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7, 12-20 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear as to where in the specification is disclosed that the airflow moves along the length of the needle. Page 8, line 18 discloses the airflow moving past the end of the needle, as also illustrated in Figure 6A. Page 9, line 4, discloses the airflow pulling any residual material from the exterior surface of the needle.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12-20 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12, line 5, claim 15, line 4, and claim 23, line 8, it is unclear as to what is meant by 'in line'; does this mean along the entire length or in the same direction as the longitudinal axis of the needle?

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 12 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Blattner.

Blattner discloses a means for receiving a liquid from a liquid source (fig. 2, #40).

Blattner discloses a means for dispensing a liquid through a needle onto a medium (col. 5, lines 47-50 and 57-61).

Blattner discloses a means for removing residual material from an exterior portion of the needle (col. 6, lines 6-22 and col. 7, lines 10-15).

With respect to claim 15, Blattner discloses a computer control system for operatively positioning the needle relative to the at least one orifice (col. 3, lines 51-60 and col. 4, lines 46-65).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lopes in view of Cavallaro.

Lopes discloses a similar system however fails to disclose the nozzle being a needle or pin.

Lopes discloses a means for receiving a liquid from a liquid source (fig. 1, #12A-B).

Art Unit: 1744

Lopes discloses a means for dispensing liquid through a nozzle onto a medium (fig. 1, #14,17). Cavallaro discloses that it is known in the art to use a needle or pin as a nozzle for dispensing a material onto a medium (col. 3, lines 58-60). It would have been obvious to one of ordinary skill in the art to provide the needle of Cavallaro in Lopes to allow for the dispensing of liquid in a desired pattern.

Lopes discloses a means for removing an amount of residual material from an exterior of the nozzle without contacting the nozzle (col. 7, lines 16-30).

Allowable Subject Matter

9. Claims 8-11 are allowed.

10. Claims 1 and 23 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action.

11. Claims 2-7, 13-14 and 16-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

The prior art discloses a cleaning system for removing residual material from a needle having a container assembly with at least one orifice, a vacuum source operatively connected to the container assembly and a control system that positions a liquid dispensing needle relative to the Container HOWEVER fails to disclose or fairly suggest the container assembly having a disposable cup OR an iris-type shutter having a variable diameter opening OR the orifice having an adjustable diameter.

Response to Arguments

13. Applicant's arguments filed 10/3/2003 have been fully considered but they are not persuasive with respect to claims 12 and 15. Applicant urges Blattner fails to disclose airflow inline with the exterior surface of the needle. This argument is not deemed persuasive because figure 1 shows the vacuum source being connected to #52, which is not contacting the needle #48. Upon application of the vacuum source airflow would be generated along the lower portion/end of the needle, therefore meeting the claim limitation. Applicant urges Lopes fails to disclose airflow inline with the exterior surface of the needle. This argument is not deemed persuasive figure 2 shows, in phantom, the vacuum source connected to #41, which is not contacting the means for dispensing #37. Upon application of the vacuum source airflow would be generated along the lower portion/end of the needle, therefore meeting the claim limitation.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1744

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 879-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Theresa T. Snider
Primary Examiner
Art Unit 1744

**THERESA T. SNIDER
PRIMARY EXAMINER**

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TTS

11/17/03